IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 19294 of 2006 (O&M)
Date of Decision: Dec.7,2006

Gurbans Singh and others ..... Petitioners

Versus

The Financial Commissioner, Haryana,
and others ..... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav

Present: Mr. Bhag Singh, Advocate
for the petitioners.

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ASHUTOSH MOHUNTA, J. (Oral)

The petitioners have impugned the orders Annexures P-8 to P-11 passed by the Revenue Authorities by which they have been held to be in illegal possession of the land in dispute and have been ordered to be evicted. The petitioners have also been ordered to pay penalty for being in illegal occupation.

Briefly the facts of the case are that respondent No.5-Om Parkash filed an application under Section 7(2) of the Punjab Village Common Lands (Regulation) Act for ejectment of the present petitioners. In the application, it was averred that the petitioners are in illegal occupation of land measuring 8 kanals 16 marlas comprised in Khewat No.60 Min, Khatauni No.182 Khasra Nos. 411 (8-16) situated in village Dadlu. It was further averred that the land belongs to the Gram Panchayat and the same is being auctioned by the Panchayat for the last 35 years and the income derived from the auction is being spent for the general benefits of the village community. It was further averred that the petitioners had taken the land on lease in the year 1993-94 but had not vacated the possession thereafter. It was the case of the petitioners that they are in

possession over the suit land since the time of their forefathers and that Gram Panchayat is not the owner.

All the Courts below have held that the land belongs to the Gram Panchayat and the land in dispute was being auctioned on yearly basis. The land was given on lease in the year 1993-94 and one Ajmer Singh had taken the same by virtue of being the highest bidder for a sum of Rs.4,000/-. Thereafter the petitioners took unauthorized possession of the land in dispute. The land has been reserved as a playground for the children and the petitioners have rightly been held to be in illegal possession of the same. There is no infirmity in the orders of eviction and imposition of penalty against the petitioners and, accordingly, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

7.12.2006 **(NIRMAL YADAV)**
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